

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

WAYNE EARL JENKINS

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CRIMINAL NO. CCB 17-00106

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DEFENDANT’S MOTION FOR CONSOLIDATION OF CASES

Pursuant to Fed. R. Crim. P. 13, defendant Wayne Earl Jenkins (“Mr. Jenkins”) moves to consolidate the related case of *United States v. Wayne Earl Jenkins*, Case No. CCB-17-0638 (hereinafter the “second indictment”) with the above-captioned action.

The superseding indictment in this case was returned on June 22, 2017. That indictment alleges, *inter alia*, a racketeering enterprise and conspiracy against Mr. Jenkins and other defendants, which spanned from at least 2015 through approximately the date of the superseding indictment. The charges in the second indictment relate to the same allegations underlying this case and involve identical or nearly identical allegations of misconduct.

The government’s decision to seek a separate indictment against Mr. Jenkins is contrary Fed. R. Crim. P. 13 and supporting case law, which provides that the court may order that separate cases be handled together if all offenses and defendants could have been joined in a single indictment. In a variety of cases, the courts have permitted consolidation of separate indictments in situations, as here, where all offenses and defendants could have been joined in a single indictment. See, e.g., *United States v. Gilmore*, 284 F. Supp. 2d 393, 394-96 (W.D. Va. 2003) (consolidation of indictment against two defendants for conspiracy to murder with perjury

indictment against a third defendant); *United States v. Agboola*, 2001 WL 1640094 at ** 6-7 (D. Minn. Oct. 31, 2001) (consolidation of indictments for bankruptcy fraud, obstruction of justice and conspiracy); *United States v. Simmons*, 739 F. Supp. 1040, 1042 (W.D.N.C. 1990) (consolidating bank robbery and attempted escape charges); *United States v. Moriarty*, 327 F. Supp. 1045, 1048-49 (E.D. Wis. 1971) (consolidating tax evasion charges covering overlapping time period).

Consolidation would also save considerable judicial resources. This Court is familiar with the relationship between the parties and much of the factual predicate underlying the allegations in this matter, having presided over a recent multi-defendant trial and guilty pleas involving these matters. See, e.g., *United States v. Washington, et al*, Case No. CCB-16-0005. It would save considerable judicial resources if this Court were to consolidate the second indictment with this action.

For these reasons, Mr. Jenkins requests the Court to consolidate the related case of *United States v. Wayne Earl Jenkins*, CCB-17-0638 (“the second indictment”), with the above-captioned action.

Respectfully submitted,

_____/s/
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